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Docket No. JAB-1525



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter Frank Ekhart et al. Confirmation No.: 3611
Appln. No. : 10/069,673
Filed : 10/15/2002
Title : VETERINARY FORMULATION FOR ADMINISTRATION OF A
WATER-INSOLUBLE DRUG TO A TARGET ANIMAL THROUGH A
WATER DISTRIBUTION SYSTEM

Art Unit : 1617
Examiner : Jennifer M. Kim

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January 28, 2005
(Date of Deposit)

Ellen Ciambrone Coletti
(Name of applicant, assignee, or Registered Representative)


(Signature)

January 28, 2005
(Date of Signature)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Office Action mailed December 14, 2004, in the captioned application.

A Petition to extend the time to respond to the pending Office Action by one month is enclosed herewith.

In the Office Action, restriction is required under 35 USC 121 and 372 to one of the following:

Group I, claim(s) 1-10, drawn to a composition and a method of preparing a veterinary composition comprising a water-insoluble active compound suitable for administering to a target

animal through a water distribution system, comprising mixing the active compound (benzimidazole);

Group II, claim(s) 1-9, drawn to a composition and a method of preparing a veterinary composition comprising a water-insoluble active compound suitable for administering to a target animal through a water distribution system, comprising mixing the active compound (pro-benzimidazole).


Applicants elect, with traverse, the subject matter of Group I, that is claims 1-10, drawn to a composition and a method of preparing a veterinary composition comprising a water-insoluble, active compound suitable for administering to a target animal through a water distribution system, comprising mixing the active compound (benzimidazole).

Applicants respectfully submit that the restriction requirement is improper. Applicants submit that Group I and Group II relate to a single general inventive concept, that is, i) a method for preparing a veterinary composition comprising a water-insoluble active compound suitable for administering to a target animal through a water distribution system and ii) a suspoemulsion suitable for administering a veterinarily active compound to a target animal through a water distribution system.

Applicants submit that the active compounds utilized in the claimed invention encompass more than the benzimidazole and pro-benzimidazole presented in the restriction requirement. See, for example, original claims 1 and 9 and page 3, line 33 through page 4, line 11.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

Respectfully submitted,

By: 
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